<center>REMARKS</center>

Claims 1-36 are cancelled and new Claims 37-57 are added. No new matter is added by these amendments.

It is Applicants' intent to file a continuation application to pursue the subject matter of cancelled Claims 1-36 not defined by the new claims.

Applicants have rewritten cancelled Claims 13-36 as the new Claims 37-57. New independent Claim 37 includes the subject matter of cancelled Claims 13 and 26. New Claims 38-57 correspond to cancelled Claims 15-25, 27-34 and 36 respectively.

Claim 37 defines a three party method for determining personality type that includes a first party computer system for communicating with a third party administrator via an administrator computer and with a second party individual user identified by the administrator via a user computer. A typical third party administrator is an employer that uses the system according to the present invention wherein the system is operated by the first party to test a potential employee as the second party.

The classic testing process performed by a psychologist consists of the steps of:

A. Gather information on a person

B. Administer a personality instrument in person.

C. Offer assistance in scoring and interpretation with the client.

D. Interpret the information and results of the personality instrument.

E. Summarize the interpretation and provide advice.

The novel psychological testing process defined by Claims 37-57 consists of the steps of:

I. Use electronic communication, such as the Internet, to gather and store information on a test taker.

II. Use the electronic communication to automate the administration of a personality instrument. Not to be confused with online self-assessments, the novel process is based on an entire system for third party parties to administer to others using the Internet.

III. Provide user feedback loops and algorithms. While scoring and verification of results have been performed in person for years, the novel system automates the scoring and verification steps. The verification was not developed to simply check for typos of data inputs. It is novel in

that it is designed to verify the accuracy of the system's output of the user's psychological profile.

IV. Provide user algorithms to automate the process of matching appropriate advice with the user's verified psychological profile.

V. Use the Internet: to deliver the interpretation and to provide advice.

The Minkus Patent

The Minkus patent describes a method of selecting and matching learning tools that possess developmental value with the individual characteristics of a child. Commercially available products consisting of toys, games, books, and allied learning materials are analyzed and the data relating to the personal traits required to use the product, educational value of the product, learning value of the product, instructional variables required to use the product, and the description of the product is entered into and stored in a computer system. Information concerning a child's sensory learning style preferences, hobbies and interests, academic conditions, medical conditions, social habits, emotional attitudes, and nutritional habits is entered into the computer system. The system compiles the child data into a report. The system also matches the child data with the product data and a list of preferred products is produced from which parents select appropriate learning tools for the child.

A questionnaire is filled out and reviewed concerning a user (i.e., child) and the data from the questionnaire is entered into the system. The data is matched against the product data and a Preferred Products List of products matched to the unique characteristics of the individual user is produced. From this Preferred Products List appropriate learning tools are selected. Parent(s)/guardian(s)/educator(s) are given a two part questionnaire concerning the child to be answered by themselves or, if the child is old enough, by the child under the parents' supervision. The questionnaires are received, analyzed, and entered into the computer system. Static personal information of the child is merged into a Vital Information Profile (VIP) data file, and preferences, developmental, and skill level information of the child is merged into a Preference Survey Model (PSM) data file. The VIP data and the PSM data for an individual child can be viewed on a monitor or can be printed.

Fig. 1 illustrates a digital computer 2 connected to a keyboard 3 and a monitor 4 for entering the data and displaying the vendor listing, the inventory listing, product matrix listings,

0001320830/0002/003314-1

8

user listings, and PSM listings. A printer 6 is provided for printing out a vendor listing, an inventory listing, product matrix listings, user listings, PSM listings, a User Preference Analysis, and Preferred Products lists. At least one mass data storage device 8 (e.g., hard disk) provides storage for a Vendor data file, a Product data file, a Vital Information Profile data file, and a Preference Survey Model data file. One example of a suitable computer system 5 is a Macintosh Personal Computer marketed by Apple Computer Co. of Cupertino, Calif. It is stated that the keyboard and the monitor may be at locations remote from the digital computer and the mass data storage device, such as on the showroom floor of a toy store or in the parents' homes, schools, day care centers, businesses, and on or off-site processing centers.

The Rejections

In the Final Office Action dated November 11, 2004, the Examiner rejected Claims 1-36 under 35 U.S.C. § 103(a) as being anticipated by U. S. Patent No. 5,122,952 issued to Minkus.

As per independent Claim 13, the Examiner stated that Minkus discloses a method for determining characteristic type to facilitate the delivery of characteristic based products, advice or services comprising the steps of: a. providing access for individual users to a typing system (Table E2, Table E3); b. identifying a user accessing the system and storing user related identification data (VIP) in a system database (Table D, C37 L30-68); c. collecting data from the identified user including test results and responses to questions and storing the data in the database; d. comparing the test results and the question responses with a predetermined set of references to develop a set of characteristic data of the identified user and determining a characteristic type of the identified user from the characteristic data; and e. matching the characteristic type of the identified user with a corresponding product, advice or service (Abstract, C37 L30-68, C38 L30-68, Tables E-J).

The Examiner admitted that Minkus fails to expressly disclose wherein the characteristic type is personality type.

The Examiner further stated that Minkus does disclose providing the user with a characteristic typing tests and recording the results in a database, and official notice is given that personality tests and personality typing were well known at the time the invention was made (Keirsey Temperament Sorter).

Therefore, according to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included disclose wherein the characteristic type is personality type, in the system disclosed by Minkus, for the advantage of providing a method of a method (system) for determining certain personal characteristics and preferences of an individual, with the ability to increase the effectiveness of the system by supplying the user with a multitude of different tests/characteristic typing formats.

As per Claim 26, the Examiner stated that Minkus discloses providing access to the system for an on-line administrator, collecting information from the on-line administrator, the on-line administrator selecting the tests and questions to be presented to the identified user, performing said step c. with the selected tests and questions, and informing the on-line administrator of the test results and questions responses.

As per Claim 27, the Examiner stated that Minkus discloses performing said step b. by assigning to the identified user a password selected by the on-line administrator.

As per Claim 28, the Examiner stated that Minkus discloses permitting the on-line administrator to select the corresponding type of product, advice or service.

As per Claim 35, the Examiner stated that Minkus discloses providing access to the system for an on-line administrator (C3 L10-18, access to system from remote locations), collecting information from the on-line administrator, the on-line administrator selecting the tests and questions to be presented to the identified users of the group, performing said step c. with the selected tests and questions, and informing the on-line administrator of the test results and questions responses associated with the group.

Applicants' Responses to the Rejections

The Examiner continues to assert that Minkus discloses the claimed on-line administrator functions without citing any support in the patent. As stated above, Applicants combined the subject matter of cancelled Claims 13 and 26 in new Claim 37. The Examiner failed to cite any support for his statement that "Minkus discloses providing access to the system for an on-line administrator, collecting information from the on-line administrator, the on-line administrator selecting the tests and questions to be presented to the identified user, performing said step c. with the selected tests and questions, and informing the on-line administrator of the test results

and questions responses." The Examiner also failed to cite any support for his rejections of cancelled Claims 27 and 28 which are new Claims 49 and 50.

In his rejection of cancelled Claim 35, the Examiner cited column 3, lines 10-18, as the basis for "access to system from remote locations", but did not cite any support for an on-line administrator. Minkus describes a computer system 5 in which a keyboard 3 and a monitor 4 can be located remote from the computer 2. Thus, while the computer system 5 can have remote terminals, this is not the same as the claimed method wherein remote access to the system computer is provided for an administrator computer and an individual user computer.

Applicants find no suggest or teaching in Minkus of a third party administrator that: a) provides identifying information via a remote access which information is related to an individual user and is used to grant that individual user remote access to the system; b) is permitted to select tests and questions via remote access to be presented to the individual user; and c) is informed of the test results and question responses of the individual user. These are steps c., d. and h. of Claim 37. These steps are not shown in or suggested by Minkus.

In view of the amendments to the claims and the above arguments, Applicants believe that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.

11